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EXAMINER	
NGUYEN, LOAN B	
ART UNIT	**PAPER NUMBER**
2126	12

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/604,939	Applicant(s) DEMELLO ET AL.	
	Examiner Loan B Nguyen	Art Unit 2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-29* is/are pending in the application.

4a) Of the above claim(s) *1-13 and 30-36* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-13 and 30-36* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4*.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

1. Claims 1-13 and 30-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 11.

2. Claims 14-29 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 14-19, 21-23, and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Lambert et al. (6629138) (hereinafter Lambert et al.).

5. As per claim 14, Lambert et al. teaches a system for providing a content item, said system comprising:

a plurality of download servers wherein each download server receives a request for said content item, each of said download servers having (e.g. Figure 2 – 3):

a cache which stores said content item (e.g. col. 5 line 47-67 and line 45-52); and

a first object which receives a first message to invalidate said content item in said cache and which invalidates said content item in said cache in response to receipt of said first message (e.g. col. 8 line 1-18); and

a fulfillment server having:

a content store which stores said content item (e.g. col. 7 line 12-46); and

a first database which stores information relating to said content item (e.g. col. 7 line 24-26); and

a second object which receives a notification that said information in said first database has been updated or deleted, and which generates, in response to said notification, said first message for dispatch to said plurality of download servers (e.g. col. 12 line 4-54).

6. As per claims 21 and 29 are rejected for similar reasons as stated above.

7. As per claim 15, Lambert et al. teaches the system of claim 14, wherein said fulfillment server further includes a second database which stores a log of events occurring on said plurality of download servers, wherein each of said plurality of download servers generates a second message for dispatch to said fulfillment server in response to said events, and wherein said second object receives said second message and logs said events in said second database (e.g. col. 31 line 16-46).

8. As per claim 16, Lambert et al. teaches the system of claim 14, wherein said events include the downloading of said content item to a purchaser of paid content item (e.g. Figure 6).

9. As per claim 17, Lambert et al. teaches the system of claim 14, wherein said content item is sold by a retailer for download by one of said plurality of download servers, and wherein said first database further stores information relating to said retailer (e.g. col. 21 line 28-50).

10. As per claim 18, Lambert et al. teaches the system of claim 17, wherein said plurality of download servers is hosted by said retailer (e.g. col. 5 line 34-36 and col. 7 line 12-46).

11. As per claim 19, Lambert et al. teaches the system of claim 14, wherein said download servers provide said content item for durable storage on one or more computing devices associated with consumers of said content item (e.g. col. 3 line 36-67).

12. As per claim 22, Lambert et al. teaches the method of claim 21, wherein said act of sending a notification comprises using a store-and-forward messaging facility (e.g. col. 22 line 44-67 and col. 23-24).

13. As per claim 23, Lambert et al. teaches the method of claim 21, wherein said change comprises a change in a physical location of said content item (e.g. col. 30 line 1-54).

14. As per claim 28, Lambert et al. teaches the method of claim 21, wherein said change comprises a change in the meta-data of said content item (e.g. col. 33 line 29-44).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert et al. (6629138) (hereinafter Lambert et al.) in view of Dievendorff et al. (6425017) (hereinafter Dievendorff et al.).

17. As per claim 20, Lambert et al. does not specifically teach wherein each of said first and second object is an instance of an MSMQ independent client.

Dievendorff et al. teaches wherein each of said first and second object is an instance of an MSMQ independent client (e.g. col. 15 line 56-67 and col.16 1-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lambert et al. with Dievendorff et al. because it would accomplish to implement messages transaction processing in the message queue component on a sever side when it generates or sends back a response message associate to a client request that contains an instance object by using Microsoft Message Queue or MSMQ.

18. Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert et al. (6629138) (hereinafter Lambert et al.) in view of Downs et al. (6226618) (hereinafter Downs et al.).

19. As per claim 24, Lambert et al. does not specifically teach wherein said change comprises a change in a level of protection to be applied to said content item.

Downs et al. teaches wherein said change comprises a change in a level of protection to be applied to said content item (e.g. col. 20 line 42-49 and col. 59-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lambert et al. with Downs et al. because it would accomplish the right management for protection of ownership right of the content propriety that applying to different purchases.

20. As per claim 25, Lambert et al. does not specifically teach wherein said content item comprises encrypted content and a first cryptographic key which decrypts said encrypted content.

Downs et al. teaches wherein said content item comprises:

encrypted content (e.g. col. 39 line 11-20); and

a first cryptographic key which decrypts said encrypted content (e.g. abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lambert et al. with Downs et al. because it would accomplish to validating and securing the download of the digital content between the consumers or distributors and publishers or business partners.

21. As per claim 26, Lambert et al. does not specifically teach wherein said content item further comprises meta-data, wherein said first cryptographic key is sealed with said meta-data.

Downs et al. teaches wherein said content item further comprises meta-data, wherein said first cryptographic key is sealed with said meta-data (e.g. col. 82 line 28-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lambert et al. with Downs et al. because it would provide for secure and protected user's downloaded digital content as well as preventing hacker code from divulging the content. This method is also much faster and provides for a highly efficient decode algorithm when it decrypts the digital content like music, video, games, etc.

22. As per claim 27, Lambert et al. does not specifically teach wherein said encrypted content is stored in said cache separately from said first cryptographic key.

Downs et al. teaches wherein said encrypted content is stored in said cache separately from said first cryptographic key (e.g. col. 29 line 18-29 and col. 81 line 62-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lambert et al. with Downs et al. because it would accomplish to store the content item in a memory before it starts the encrypted processing using the first decrypted key.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Loan B. Nguyen whose telephone number is (703) 305-0358. The examiner can normally be reached on 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Loan B. Nguyen
November 14, 2003

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100